IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

WRIT PETITION NO. 2535 OF 2006

Mr. S. Shivram. ...Petitioner.

V/s.

State of Maharashtra & Others. ... Respondents.

Mr. K.M. John for the Petitioner.

Ms. Mama Sudh, A.G.P. for Resondent Nos.1 to 3.
Mr. M.B. Jadhav, for Respondent No.4.

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CORAM : DR. D.Y. CHANDRACHUD,J.

16TH OCTOBER, 2006.

P.C. :

1. The residential flat, it is an admitted position, belonged to the father of the Petitioner, late L.S. Mani. The father has, according to the Petitioner died intestate. There was a nomination by the father in favour of one of his sons Shri S. Laxman. It is alleged that he executed a registered deed of gift in favour of the Petitioner on 26th December 2002. A mere nominee of a flat in a Co-operative Housing Society does not, by virtue of the nomination, acquire title to the premises. Since the succession will have to be governed by the law of succession that applies to the parties, in the present case, parties being Hindus, it would be governed by the Hindu Succession Act, 1956.

2. In these circumstances, at the hearing of the Petition, Counsel appearing on behalf of the Petitioner states that the Petitioner is advised to take recourse to his rights under the law by instituting a Suit in the appropriate court for the administration of the estate of the deceased. With this statement, Counsel appearing on behalf of the Petitioner seeks permission of the Court to withdraw the Petition.

3. The Petition is accordingly dismissed as withdrawn.